



Entered on Docket  
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-  
SECOND OMNIBUS OBJECTION OF  
USACM LIQUIDATING TRUST TO  
DOUBLE COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-Second Omnibus Objection of USACM  
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7538] (the  
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7538] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as  
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

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14 John Hinderaker (*pro hac vice*)  
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

USACM

**Exhibit A**  
**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
STOEBLING FAMILY TRUST	C/O DAVIDSTOEBLING TRUSTEE 3568 E RUSEELL RD STE D LAS VEGAS NV 89120-2234	10725-01068	200,000.00	100,000.00
T-2 ENTERPRISES LLC	MANAGER WARREN W TRIPP 250 GREG ST SPARKS NV 89431	10725-02106	811,713.52	405,856.76
T-3 ENTERPRISES LLC	MANAGER WARREN W TRIPP 250 GREG ST SPARKS NV 89431	10725-02107	608,440.76	304,220.38
TDS REVOCABLE FAMILY TRUST DTD 9/29/98	T DWIGHT & BONNIE J SPER TTEES 1005 CYPRESS RIDGE LN LAS VEGAS NV 89144-1425	10725-02191	1,778,674.00	889,337.00
TEETER, LOUISE & NORMAN	4201 VIA MARINA, STE 300 MARINA DEL REY CA 90292	10725-02274	123,219.22	61,609.61
TEETER, NORMAN	4201 VIA MARINA #300 MARINA DEL REY CA 90292	10725-02275	599,327.28	299,663.64
TEETER, ROBERT G	4201 VIA MARINA, STE 300 MARINA DEL REY CA 90292	10725-02276	134,369.22	67,184.61
TERRY MARKWELL PROFIT SHARING PLAN & TRUST	TERRY MARKWELL TTEE 12765 SILVER WOLF RD RENO NV 89511	10725-01969	807,706.42	403,853.21
TERRY R HELMS LIVING TRUST DTD 11/11/94	TERRY HELMS 809 UPLAND BLVD LAS VEGAS NV 89107-3719	10725-02291	11,155,754.80	5,577,877.40
THOMPSON, GREGORY R	1005 W BUFFINGTON ST UPLAND CA 91784	10725-02132	101,413.70	50,706.85